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Response to Restriction Requirement,
Mailed October 20, 2005

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s/ Julie Agozino
Julie Agozino

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
Maureen J. BOURNER, et al.

Serial No.: 10/696,639

Confirmation No.: 1858

Filed: October 29, 2003

For: DIFFERENTIALLY EXPRESSED GENES
INVOLVED IN CANCER, THE
POLYPEPTIDES ENCODED THEREBY, AND
METHODS OF USING THE SAME

Group Art Unit: 1642

Examiner: Laura B. GODDARD, Ph.D.

Mail Stop: Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In a Restriction Requirement, mailed October 20, 2005, in the above-identified application, the Examiner has required election between the following groups of inventions:

- 1) Group I: Comprising claims 1 to 8, which are drawn to an antibody that immunospecifically binds to p-cadherin wherein p-cadherin has the amino acid sequence of SEQ ID NO:39, classified in class 530, subclass 387:1.
- 2) Group II: Comprising claim 9, which is drawn to a method of identifying an agent that binds to p-cadherin, classified in class 435, subclass 7.1.
- 3) Group III: Comprising claim 10, which is drawn to a method of identifying an agent that modulates the expression of p-cadherin mRNA, as contemplated in the specification, classified in class 435, subclass 6.
- 4) Group IV: Comprising claim 10, which is drawn to a method of identifying an agent that modulates the expression of p-cadherin protein, as contemplated in the specification, classified in class 435, subclass 7.1.

5) Group V: Comprising claim 10, which is drawn to a method of identifying an agent that modulates the activity of **p-cadherin protein**, as contemplated in the specification, classified in class 435, subclass 7.1.

6) Group VI: Comprising claim 11, which is drawn to a method of treating or preventing cancer-associates disorder, classified in class 514, subclass 2.

7) Group VII: Comprising claim 12, which is drawn to a method of detecting differentially expressed genes, correlated with a cancerous state of a mammalian cell comprising detecting a gene product wherein the gene product is encoded by SEQ ID NO:1, classified in class 435, subclass 6.

8) Group VIII: Comprising claim 13, which is drawn to a method for monitoring the progression of a cancer in a patient comprising detecting in a patient sample, the expression of nucleic acid molecule SEQ ID NO:1, classified in class 435, subclass 6.

9) Group IX: Comprising claim 14, which is drawn to a method of assessing the efficacy of a test compound for inhibiting a cancer in a patient comprising comparing expression of SEQ ID NO:1 in a patient sample before and after exposure to the test compound, classified in class 424, subclass 9.2.

Applicants herein elect the claims of Group I, comprising claims 1 to 8, which are drawn to an antibody that immunospecifically binds to p-cadherin wherein p-cadherin has the amino acid sequence of SEQ ID NO:39, classified in class 530, subclass 387.1, for prosecution on the merits. The election is made without traverse.

Applicants specifically reserve, however, the right to file divisional applications covering the subject matter of the non-elected claims. Should there be any issues that have not been addressed to the Examiner's satisfaction; Applicants invite the Examiner to contact the applicants' undersigned representative, Ms. Reena R. Desai, at (858) 526-4932.



If any fees are due in connection with this response, please charge such fees to Deposit Account No. 500329.

Respectfully submitted,

Date: November 17, 2005

A handwritten signature in black ink that appears to read "Reena R. Desai".

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